



CALIFORNIA

Technician/AGR Administrative Instruction

National Guard Technicians - CAL NG Active Guard/Reserve

MILITARY DEPARTMENT

P. O. BOX 269101
Sacramento, CA 95826-9101

NUMBER

03-09

1 April 2003

NO EXPIRATION DATE

LEAVE FOR PREGNANCY, CHILDBIRTH, AND INCAPACITATION

1. The Family Medical Leave Act (FMLA) has amended the definition of "serious health condition" to include childbirth and incapacitation following childbirth. In the past, birth mothers were entitled to use accrued sick leave for medical appointments, hospitalization, and incapacitation following childbirth. Birth mothers could also use advanced annual leave (the remainder of annual leave that would be accrued for the leave year). The amendment to FMLA allows the following:

a. **Advanced Sick Leave:** A maximum of 30 days may be approved to a birth mother during her period of incapacitation for pregnancy and childbirth (must provide administratively acceptable evidence of the period of incapacitation). A birth father may be advanced up to five days to care for the mother during her period of incapacitation. (Previously, advanced sick leave could only be approved with documentation that the birth mother had serious complications due to childbirth or to care for a newborn with a serious health problem.)

b. **Donated Annual Leave:** Once a birth mother has exhausted her own available paid leave, she may request donated leave. Donated annual leave may be requested for a medical emergency, e.g., **the birth mother's period of incapacitation (normally six weeks); or the illness of a child.** Donated leave may not be requested to care for a healthy child. (Previously, donated leave could only be requested for a birth mother that had serious complications due to childbirth or to care for a newborn with a serious health problem).

2. The other leave flexibilities have not changed. Each parent is entitled to use a total of up to 12 weeks of leave without pay under FMLA for the birth of a child and care of the newborn. Subject to supervisory approval, FMLA leave may be used on an intermittent basis for absences in connection with childbirth and care of the newborn.

3. If you have questions, contact Nancy Hamilton, Employee Relations Specialist, at CAGNET 63411, DSN 466-3411 or (916) 854-3411.

FOR THE ADJUTANT GENERAL:

/s/

STUART D. EWING
1st Lt, CA ANG
Human Resources Management Specialist

DISTRIBUTION:

ARMY: TA

AIR: TA